

REMARKS/ARGUMENTS

This is in response to the office action dated 8/10/05. Reconsideration is hereby requested in view of the remarks below. Claims 1-12 are currently pending.

Amendments have been made to the specification to further clarify the invention.

No new matter has been added.

Informal Objections

The specification has been objected to because on "Page 8, line 4: it is suggested to change "62" to "60'." This objection is respectfully traversed. The specification has been amended as requested by the Examiner. No new matter has been added. It is respectfully requested that this objection be withdrawn.

First Claim Rejection under 35 USC §103

Claims 1, 4, 8, and 11 stand rejected under USC 103(a) as being allegedly unpatentable over Leung et al (USP 6,768,120) in view of Whealton et al (USP 4,602,161). This rejection is respectfully traversed.

According to MPEP §2136.02, for "applications filed on or after November 29, 1999, if the applicant provides evidence that the application and prior art reference were owned by the same person, or subject to an obligation of assignment to, the same person, at the time the invention was made, any rejections under 35 U.S.C. ...103 based upon such a commonly owned reference should not be made or maintained."

The present application and Patent No. 6,768,120 were, at the time the invention of the present application was made, owned by The Regents of the University of California. The assignment for Patent No. 6,768,120 can be found in reel/frame number

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013595/0295 and the assignment for the present application can be found in reel/frame number 014941/0867.

Accordingly it is respectfully requested that this rejection be withdrawn.

Second Claim Rejection under 35 USC §103

Claims 1, 4, and 8 stand rejected under USC 103(a) as being allegedly unpatentable over Leung et al (USP 6,768,120) in view of admitted prior art. This rejection is respectfully traversed.

The present application and Patent No. 6,768,120 were, at the time the invention of the present application was made, owned by The Regents of the University of California. The assignment for Patent No. 6,768,120 can be found in reel/frame number 013595/0295 and the assignment for the present application can be found in reel/frame number 014941/0867.

Accordingly it is respectfully requested that this rejection be withdrawn.

Dependent Claims

As to the dependent claims, the same arguments would apply. The base claim being allowable, the dependent claims must also be allowable. Accordingly it is respectfully requested that these rejections be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Therefore, applicant respectfully requests that a notice of allowance be issued. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

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Respectfully submitted,



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